

TITLE 1. RULES AND THE RULEMAKING PROCESS**Chapter****1. Secretary of State - Rules and Rulemaking**

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TITLE 1. RULES AND THE RULEMAKING PROCESS**CHAPTER 1. SECRETARY OF STATE
RULES AND RULEMAKING**

(Authority: Implementing the Arizona Administrative Procedure Act (A.R.S. § 41-1001 et seq.) and authorized by Section 41-1011 of that Act (A.R.S. § 41-1011).)

Chapter 1 consisting of Article 1, Sections R1-1-101 through R1-1-114; Article 2, Sections R1-1-201 through R1-1-212; Article 3, Sections R1-1-301 and R1-1-302; Article 4, Sections R1-1-401 through R1-1-414; Article 5, Sections R1-1-501 through R1-1-507; Article 6, Section R1-1-601; Article 7, Section R1-1-701; Article 8, Section R1-1-801; and Article 9, Section R1-1-901 adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994.

Chapter 1 consisting of Article 1, Sections R1-1-101 through R1-1-105; Article 2, Sections R1-1-201 through R1-1-208; Article 3, Sections R1-1-301 through R1-1-308; and Article 4, Sections R1-1-401 and R1-1-402 repealed effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994.

Chapter 1 consisting of Article 1, Sections R1-1-101 through R1-1-105; Article 2, Sections R1-1-201 through R1-1-208; Article 3, Sections R1-1-301 through R1-1-308; and Article 4, Sections R1-1-401 and R1-1-402 adopted effective January 1, 1987.

Former Chapter 1 consisting of Article 1, Sections R1-1-101 through R1-1-103 repealed effective January 1, 1987.

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ARTICLE 1. GENERAL PROVISIONS**R1-1-101. Definitions**

The following definitions shall apply in this Title unless the context otherwise requires:

1. "Act" means A.R.S. §§ 41-1001 through 41-1084 (the Administrative Procedure Act).
2. "Amendment" means a change to:
 - a. A Section, including added language, deleted language, or renumbering;
 - b. A Part, by the addition, repeal, or renumbering of one or more Sections;
 - c. An Article, by the addition, repeal, or renumbering of one or more Sections or Parts;
 - d. A Subchapter, by the addition, repeal, or renumbering of one or more Articles, Parts, or Sections; or
 - e. A Chapter, by the addition, repeal, or renumbering of one or more Subchapters, Articles, Parts, or Sections.
3. "Appendix" means supplementary material to a set of rules, written in prose format.
4. "A.R.S." means the Arizona Revised Statutes, the laws of the state of Arizona.
5. "Article" means a division of an agency's rules under a Chapter containing a unified set of rules.
6. "Authority" means the statutory right or power to adopt, amend, or repeal rules.
7. "Authority Note" means the information, not a part of the rule, appearing at the beginning of a Chapter (or Subchapter, Article, or Part) which cites the implementing and authorizing statutes for the rules appearing in that Chapter.
8. "Camera-ready" material means items which meet the requirements of R1-1-412(D).
9. "Chapter" means a division in the codification scheme for the Code designating a state agency or, for a large agency, a major program.
10. "*Code*" means the *Arizona Administrative Code* published pursuant to A.R.S. § 41-1011.
11. "Codification" means the labeling and numbering scheme for the rules contained in the Code.
12. "*Council*" means the *Governor's Regulatory Review Council* established pursuant to A.R.S. § 41-1051.
13. "Economic, Small Business, and Consumer Impact Statement" means the statement which an agency shall make to show that the agency has studied the rule's economic impact on the regulated community as well as the impact on small businesses and consumers.
14. "*Emergency Rule*" means a rule (or amendment or repeal of a rule) adopted pursuant to A.R.S. § 41-1026.
15. "Exhibit" means a form of supplementary material used for items which do not fit the definition of an Appendix, Table, or Illustration.
16. "Heading" means the caption for any level of division within the Code.
17. "Historical Note" means the note appearing after each Section of a Chapter in the published edition of the Code which gives the history of that particular Section, including the action, the effective date, and the Code Supplement number in which the rules were published.
18. "Illustration" means a form of supplementary material used for diagrams, pictures, and other similar items.
19. "Label" means the number or letter which is assigned to the divisions of the Code and to their subsections and which identifies the particular Code division or subsection.
20. "Office" means the Office of the Secretary of State, Public Services Department.
21. "Part" means a division of the Code between Article and Section.
22. "*Register*" means the *Arizona Administrative Register*, the publication which contains the rulemaking activity of the state's agencies, agency and Council notices, the Governor's Executive Orders and proclamations of general applicability, summaries of Attorney General opinions, and Governor's appointments to the state's boards and commissions.
23. "Renumbering" means changing the numbers of one or more Sections. Renumbering involves only entire Sections or Articles. Renumbering does not include changing the labels of subsections within a Section.
24. "Repeal" means the process of rescinding, revoking, or cancelling a rule.
25. "*Rule*" means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of an agency. Rule includes prescribing fees or the amendment or repeal of a prior rule but does not include intra-agency memoranda that are not delegation agreements (A.R.S. § 41-1001(17)).
26. "Rulemaking" refers to the process state agencies use to adopt, amend, or repeal a rule.
27. "Rulemaking package" means all material filed with the Office as part of a rulemaking action.
28. "Section" means an individual rule. A Section is a unit of an Article.
29. "Section number" means the number which identifies the Section.
30. "Style Manual" means the manual prepared by and available from the Office as a guideline giving examples for agencies to follow when promulgating rules in codified format, as specified in this Chapter.
31. "Subchapter" means a division of the Code between Chapter and Article.
32. "Subsection" means a division of a Section of the Code.
33. "*Summary Rule*" means a rule adopted pursuant to A.R.S. § 41-1027.
34. "Supplement" means a quarterly update to the Code.
35. "Table" means a form of supplementary material containing tabular information.
36. "Title" means a subject area in the codification scheme for the Code.

Historical Note

Adopted effective January 1, 1987 (Supp. 86-6).
 Amended paragraph (9) effective October 27, 1988 (Supp. 88-4). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-102. Codification Outline

All rules filed with the Office and adopted pursuant to the Act or adopted under an exemption from all or part of the rulemaking process as specified in the Act or provided in the Constitution of Arizona and those rules adopted under an exemption from the Act by other statutes and submitted to the Office after September 30, 1992, shall be organized within the following Titles:

TITLE 1. RULES AND THE RULEMAKING PROCESS

TITLE 2. ADMINISTRATION
 TITLE 3. AGRICULTURE
 TITLE 4. PROFESSIONS AND OCCUPATIONS
 TITLE 5. CORRECTIONS
 TITLE 6. ECONOMIC SECURITY
 TITLE 7. EDUCATION
 TITLE 8. EMERGENCY AND MILITARY AFFAIRS
 TITLE 9. HEALTH SERVICES
 TITLE 10. LAW
 TITLE 11. MINES
 TITLE 12. NATURAL RESOURCES
 TITLE 13. PUBLIC SAFETY
 TITLE 14. PUBLIC SERVICE CORPORATIONS;
 CORPORATIONS AND ASSOCIATIONS; SECURI-
 TIES REGULATION
 TITLE 15. REVENUE
 TITLE 16. TAX APPEALS
 TITLE 17. TRANSPORTATION
 TITLE 18. ENVIRONMENTAL QUALITY
 TITLE 19. ALCOHOL, HORSE AND DOG RACING,
 LOTTERY, AND GAMING
 TITLE 20. COMMERCE, BANKING, AND INSUR-
 ANCE

Historical Note

Adopted effective January 1, 1987 (Supp. 86-6). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-103. Submission Requirements for Publication and Filing

- A. Each agency submitting materials for filing or publication in the Register or Code shall send an original and four copies to the Office.
- B. All pages of the original document and all copies shall be printed on only one side. Each page shall have margins of one inch on all edges of the page.
- C. The original and each copy shall be clear and legible; all Appendices, Exhibits, Tables, and Illustrations shall be camera-ready when submitted in the original copy. Any rule package which does not contain an original of both the text and all supplementary material will be returned to the agency. An agency shall use no font size in the text smaller than 9 point and larger than 12 point; corresponding typewriter sizes are Pica (10 pitch) and Elite (12 pitch).
- D. The agency shall file only one Chapter per notice for any rulemaking activity. If an agency submits more than one Chapter per notice, the Office shall return the package to the agency to be split into separate rulemaking packages, one per Chapter.
- E. If an agency wishes to file with the Office more than one rulemaking package on a single Chapter for publication in the single issue of the Register, the agency shall first apply to the Office for the designation of a Subchapter or a Part or both to allow for further division of its Chapter. An agency using Subchapters may amend its rules by Subchapter; an agency using Parts may amend its rules by Article.

Historical Note

Adopted effective January 1, 1987 (Supp. 86-6).
 Amended subsection (A) effective July 8, 1987;
 Amended subsection (A) effective September 22, 1987 (Supp. 87-3). Amended subsection (A) effective October 8, 1987; Amended subsection (A) effective December 22, 1987 (Supp. 87-4). Amended subsection (A) effective February 22, 1988 (Supp. 88-1). Amended subsection (A) effective July 13, 1988 (Supp. 88-3). Amended subsection (A) effective October 27, 1988 (Supp. 88-4).

Amended subsection (A) effective March 2, 1989 (Supp. 89-1). Amended effective February 21, 1990, and March 8, 1990 (Supp. 90-1). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-104. Submitting Material for Publication

- A. Each agency submitting a rulemaking package or other notice, as specified in the Act and this Chapter, to the Office for publication in the Register shall follow the deadlines established by the Office and published in the Register. An agency shall submit its rulemaking packages in paper copy and may also submit the material on computer disk that is compatible with the Office's computer system and software.
 1. An agency submitting materials for publication in the Register either on computer disk only or in both paper copy and on computer disk, shall comply with the deadline date for paper and disk and
 2. An agency submitting materials for publication in the Register in paper copy only shall comply with the deadline for paper only.
- B. Information other than rulemaking notices required by law to be published in the Register but not required to be filed in the Office may be submitted to the Office on either computer disk or in paper copy. This information includes agency ombudsmen names and addresses, notices of substantive policy statements and notices of guidance documents, rulemaking docket openings, proposed delegation agreements, and formal rulemaking advisory committees.
- C. An agency shall contact the Office before submitting material on computer disk to ensure that the disk is compatible with the Office's computer system and software.

Historical Note

Adopted effective January 1, 1987 (Supp. 86-6). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-105. Forms for Publication or Filing

- A. Each agency submitting a rule for filing and publication shall attach the appropriate notice form.
- B. An agency certificate shall accompany each rulemaking package subject to Council or Attorney General review. This certificate shall specify the following in the same numbered order:
 1. The agency name;
 2. The Chapter heading;
 3. The Code citation for the Chapter;
 4. The Subchapters, if applicable; the Articles; the Parts, if applicable; and the Sections involved in the rulemaking, in numerical order;
 5. The signature, in ink, of the agency chief executive officer or designee, attesting that the material being submitted is a true and correct version of the rule adopted by the agency. The certificate shall include the printed or typed name of the person signing the form, the person's title, and the date of signing; and
 6. A statement that no changes have been made since the Council approved the rule, if applicable.
- C. A Council certificate of approval shall accompany all final rules subject to Council review. If the Council submits the rules to the Office for the agency, the certificate shall be attached to the rules as approved by the Council. If the agency submits the rule to the Office, the certificate shall be attached to a sealed container or envelope containing the rules as approved by Council. The Office shall not accept any final rulemaking package from an agency if the Council certificate

of approval is missing or altered in any way or if the seal on the envelope or container is broken.

- D. An Attorney General certificate of approval shall accompany all rules subject to Attorney General review. The certificate shall be attached to the original rulemaking document within the rulemaking package.
- E. An agency certificate accompanying each rulemaking package containing rules exempt from both Council and Attorney General review shall include the information specified in subsection (B)(1) through (6) and shall include a statement specifying why the rules are exempt from review along with a citation to the statutory or constitutional provision specifying the exemption.
- F. The Office shall not file but shall return to the agency any rule package with incorrect or incomplete notice forms.
- G. On all certificate forms, the agency chief executive officer's name and title shall be typed under the signature and the date of signing shall be indicated. If a designee signs the form, the designee's typed name and title shall be typed under the signature and the date of signing shall be indicated. Certificate forms which contain one person's signature and another person's typed name will not be accepted.

Historical Note

Adopted effective January 1, 1987 (Supp. 86-6). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-106. Receipts

An agency submitting a rulemaking package or other document to the Office for publication or filing pursuant to the Act shall attach two copies of a receipt. The Office will time and date stamp both copies and will return one to the agency. The receipt shall state the following:

1. The agency's name;
2. The Title, Chapter, Subchapter (if applicable), the Article, the Part (if applicable), and the Sections that are contained in the rulemaking package and the rulemaking action occurring on each.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-107. Filing Location

An agency shall either file its rules in person with the Office at the State Capitol Executive Tower, Suite 103, Phoenix, Arizona 85007 or mail the rules to: Secretary of State, Public Services Department, 1700 West Washington, Seventh Floor, Phoenix, Arizona 85007-2888. The Office shall accept a document for filing or publication only if it meets the requirements specified in the Act and this Chapter.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-108. Editing and Relabeling by the Office

The Office may edit and relabel the text of rules pursuant to A.R.S. § 41-1011(C).

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-109. Correction of Errors

- A. After a proposed rulemaking package has been filed with the Office, a substantial change in the text may be corrected only

by the filing of a supplemental rulemaking package showing the change, as specified in R1-1-507 and A.R.S. § 41-1022(D).

- B. After a final, summary, or emergency rulemaking package has been filed, a manifest typographical or clerical error in the text may be corrected only by the filing of the corrected pages, accompanied by a letter signed by the agency's chief executive officer requesting the Office to make the corrections and specifying why the agency considers the error a manifest typographical or clerical error. The corrected pages and the letter shall both indicate the specific changes to be made. Both the original rulemaking package and the corrected pages shall remain on file. Errors considered substantive in nature shall not be corrected except through the regular rulemaking process.
- C. If, upon review, an issuing agency discovers errors in its rules as published in the Code or Register, the agency shall notify the Office in writing about the printing errors. If an error is substantive and was in the document as submitted by the agency, the agency shall go through the regular rulemaking process to correct the error. If the error is a manifest typographical or clerical error, the agency shall follow the procedure in subsection (B) and the Office shall follow the procedure in subsection (D) below for printing the correction.
- D. If the Office makes an error in the printing of rules in the Register or Code or the agency has notified the Office about a manifest typographical or clerical error and followed the procedures specified in this Section, the error shall be corrected in the next available issue of the Register or supplement to the Code if the Office determines that the error would tend to confuse or mislead the reader. If the error would not confuse or mislead the reader or is in a note or heading not considered part of the rule, the error will be corrected by the Office and published in the next supplement to the Code containing other amendments to the Chapter adopted by the agency.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-110. Effective Dates

If a final, summary, or emergency rulemaking package does not specify an effective date, the date of filing in the Office is the effective date. If an agency submitting a final, summary, or emergency rulemaking package indicates a specific effective date for the rules which is later than the date filed in the Office, pursuant to A.R.S. § 41-1032, the agency shall also specify the reason for the delayed date. Rules filed in the Office shall not be retroactively effective.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-111. Agency Liaisons and Rule Specialists

- A. Each agency shall designate a liaison who shall represent the agency in the submission of rulemaking documents to the Office and shall work with the Office should problems arise with that agency's rules. Each agency shall send the name, title, address, and telephone number of the liaison to the Office in January of each year and shall notify the Office immediately when changes occur. If an agency with multiple divisions wishes to appoint a liaison for each division promulgating rules, the agency shall notify the Office to that effect.
- B. If an agency selects a specialist to represent the agency on a particular rule or set of rules, the agency shall indicate the specialist's name, address, and telephone number on the document filed as the person to whom comments or questions may be addressed.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-112. Public Inspection of Documents; Copies

- A. Documents filed with the Office pursuant to the Act shall be available for public inspection in the Office during office hours. Office hours are 8 a.m. to 5 p.m. Monday through Friday except state holidays.
- B. A person may request, during office hours, a copy of a rule-making document on file in the Office.
- C. Copies of documents filed in the Office are available at the statutory per-page copy fee specified in A.R.S. § 41-126(A)(1). A governmental agency requesting a copy of materials that it has filed with the Office shall also pay the statutory per-page copy fee.
- D. A person requesting a certified copy of a document filed in the Office shall pay the statutory certification fee plus the per-page statutory copy fee as specified by A.R.S. § 41-126(A).
- E. The Office requires advance payment of fees.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-113. Fees

- A. The fees for the Register, covering publication and distribution costs, are as follows:
 - 1. For a one-year subscription to the Register: \$276.
 - 2. For a single issue of the Register: \$7.
 - 3. For the Semi-Annual Index listing all items except rules: \$5.
 - 4. For the Semi-Annual Index containing only rulemaking activity: \$5.
- B. The fees for the printed Code, covering publication and distribution costs, are as follows:
 - 1. For a full set of the Code, including binders: \$450.
 - 2. For an annual subscription for quarterly updates to the complete set of the Code: \$125.
 - 3. For individual Chapters and Titles:
 - a. For an entire Title: the sum of the charges for all Chapters within the Title.
 - b. For each Chapter: \$1 for one to four pages and \$1 for each additional ten pages or portion thereof.
- C. The fees for rules on computer disk, with each disk containing either one Title table of contents or one Chapter, or portion of a Chapter if the Chapter takes two or more disks, are as follows:
 - 1. For a person, company, or governmental agency buying the rules on disk for noncommercial use: \$5 per disk.
 - 2. For a person, company, or governmental agency buying the rules on disk for a commercial purpose as stated in A.R.S. § 39-121.03: \$84 per disk or \$15,945 for the entire Code on disk.
- D. The fee for each binder for the Code: \$5.
- E. The fee for a copy of the Style Manual, developed by the Office as a guideline for agencies: \$5 for members of the public; free-of-charge for state agency personnel involved in rule-making.
- F. For the Office rulemaking newsletter (*Ruling Arizona*): no charge.
- G. The Office requires advance payment for any materials purchased from the Office. Payment shall be made by cash, check, or money order only. Do not send cash through the mail. A government agency may use a purchase order or fund transfer form.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-114. Official Distribution of the Register and the Code at No Charge

- A. Copies of the Register and the Code shall be distributed to the following, upon request, without charge:
 - 1. Governor: one copy;
 - 2. Legislature:
 - a. The Senate: six copies;
 - b. The House of Representatives, six copies;
 - c. The Department of Library, Archives, and Public Records, three copies;
 - 3. Attorney General: 15 copies;
 - 4. Supreme Court: one copy;
 - 5. Counties. Each county law library (or one major public or university library per county if the county does not have a law library), one copy. The County Board of Supervisors shall specify to the Office the library to which the subscription shall be sent when there is no county law library;
 - 6. Governor's Regulatory Review Council:
 - a. The members of the Council: one copy of the Register each;
 - b. The Council office: two copies of the Register and two copies of the Code.
- B. One copy of individual Chapters shall be distributed free of charge to the agency adopting the rule. The Office shall send the Chapters to the agency's chief executive officer unless the Office receives other instructions from the agency. An agency may purchase additional a copy of its Chapters.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

ARTICLE 2. THE ARIZONA ADMINISTRATIVE REGISTER**R1-1-201. Publication Schedule and Deadlines**

- A. The Secretary of State shall publish the Register pursuant to A.R.S. § 41-1013; the Office shall mail the Register and make available copies for sale on the date of publication. The Office shall include the schedule of publication dates and deadlines in each issue of the Register and shall make copies of the schedule available in the Office. The Office shall publish each document filed and approved for publication in the Register according to the published schedule.
- B. Once an agency has filed a proposed rulemaking package with the Office for publication or filing, the agency may only withdraw the rulemaking package as specified in R1-1-507.
- C. Deadlines for submission of documents shall not be waived.

Historical Note

Adopted effective January 1, 1987 (Supp. 86-6). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-202. Contents

Each issue of the Register shall contain the categories specified by A.R.S. §§ 41-1013 and 49-112 and any other items required by state statute to be published in the Register, provided material is submitted for publication in each category. Only documents pertaining to rulemaking or documents that are specifically authorized by statute to be published in the Register shall be accepted for Register publication.

Historical Note

Adopted effective January 1, 1987 (Supp. 86-6).
Amended effective October 27, 1988 (Supp. 88-4). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-203. Publication Requirements

All rulemaking packages submitted for publication shall meet the following requirements:

1. Each package shall be typewritten or produced on word-processing or computer equipment, on 8 1/2 x 11 inch white paper (20-24 lb. weight) and shall be double-spaced. Only one side of the paper shall be used. The original shall not be stapled nor shall it or any of the copies be hole punched. Pleading paper (with numbers and vertical lines along the right- or left-hand margins) shall not be accepted.
2. There shall be a one-inch margin on all edges of the paper.
3. Each document containing rules or relating to the rulemaking process submitted for publication shall specify on the notice form the Code citation, Code divisions, and the specific Sections involved. Subsections shall not be specified on the notice form. Articles shall be specified if their labels or headings are being changed or if the Articles are being added to the Chapter or repealed in their entirety.
4. Underlining shall be used for language being added to rules, except as noted in Section R1-1-502(B)(5)(b). This includes new language in an existing Section, the addition of an entire Section, the addition of new language in existing supplementary material, or the addition of new supplementary material. Underlining shall not be used in the text of rules for any other purpose.
5. A table of contents listing all Sections and other divisions of the Chapter shall be included in the rulemaking package except that Sections, Articles, or Parts, if applicable, not having rulemaking action taken in a particular rulemaking package shall not be included.
6. Pages in the package shall be consecutively numbered, from the first page of the notice through the last page of the text of the rules or supplementary material appearing at the end of the rulemaking package.
7. Rulemaking packages shall be compiled by the agency before submission to the Office. The original and all copies shall be in the following order:
 - a. The notice form, including the preamble which is part of the notice;
 - b. The table of contents;
 - c. The text of the rule including supplementary material in its proper location within the rules.
 - d. Incorporated by reference material and other information required to be filed with the rules.

Historical Note

Adopted effective January 1, 1987 (Supp. 86-6). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-204. Indices to the Register

Twice each year, the Office shall publish a rulemaking index and a miscellaneous index to the Register:

1. The rulemaking index shall contain the rulemaking activity occurring from January through June or from July through December;

2. The miscellaneous index shall contain everything except rulemaking appearing in the Register during the same two six-month periods.

Historical Note

Adopted effective January 1, 1987 (Supp. 86-6). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-205. Notice of Rulemaking Docket Openings

Upon establishment of a rulemaking docket, an agency shall submit a notice of docket opening to the Office. This Notice of Rulemaking Docket Opening shall contain the heading NOTICE OF RULE MAKING DOCKET OPENING in all capital letters approximately one inch from the top of the page; followed by the name of the agency appearing one double-space (two lines) below the notice heading; and each shall be centered on the line. The remainder of the notice shall contain the following information in the same numbered order:

1. The Title and its heading; the Chapter and its heading; the Subchapter and its heading, if applicable; the Article and its heading; the Part and its heading, if applicable; and the appropriate Section numbers;
2. The subject matter of the proposed rule and the agency docket number, if applicable;
3. A citation to all published notices relating to the proceeding, including the Register volume number; the abbreviation "A.A.R."; the page number on which the notice began; and the issue date including month, day, and year;
4. The name and address of agency personnel with whom persons may communicate regarding the rule;
5. The time during which the agency will accept written comments and the time and place where oral comments may be made;
6. A timetable for agency decisions or other action on the proceeding, if known.

Historical Note

Adopted effective January 1, 1987 (Supp. 86-6). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-206. Notice of Formal Rulemaking Advisory Committees

- A. If an agency appoints a formal advisory committee to comment on the rules under consideration, the agency shall, at the time of the committee's formation, submit to the Office for Register publication a Notice of Formal Rulemaking Advisory Committee. This notice shall contain the heading NOTICE OF FORMAL RULEMAKING ADVISORY COMMITTEE in all capital letters, approximately one inch from the top of the page, followed by the name of the agency one double-space below the notice heading, and each shall be centered on the line. The remainder of the notice shall contain the following in the same numbered order:
 1. The specific rules or subject matter on which the committee is to comment, if known;
 2. The names of the committee members;
 3. The date the committee was formed.
- B. An agency appointing a formal advisory committee shall submit a notice annually to the Office for Register publication in the form specified in subsection (A).

Historical Note

Adopted effective January 1, 1987 (Supp. 86-6).

R1-1-207. Supplemental Notices on Proposed Rules

When an agency decides that a proposed rule requires substantial change due to public comment or internal review, the agency shall submit to the Office a supplemental notice of proposed rules for Register publication as specified in R1-1-507.

Historical Note

Adopted effective January 1, 1987 (Supp. 86-6).

R1-1-208. Notice of Proposed Delegation Agreements

A. An agency seeking to delegate functions, powers, or duties shall submit to the Office a Notice of Proposed Delegation Agreement which shall contain the heading NOTICE OF PROPOSED DELEGATION AGREEMENT in all capital letters, centered on a line approximately one inch from the top of the page, followed by the items listed below in the same numbered order:

1. Name of the agency proposing the delegation agreement;
2. Name of the political subdivision to which functions, powers, or duties of the agency are proposed to be delegated;
3. Name, address, and telephone number of agency personnel to whom persons may direct questions or comments;
4. A summary of the delegation agreement and the subjects and issues involved;
5. A statement that copies of the proposed delegation agreement may be obtained from the agency and any pertinent information on how persons may obtain the copies;
6. Schedule of public hearings on the proposed delegation agreement.

B. An agency proposing a delegation agreement shall follow the procedures specified in A.R.S. § 41-1081.

Historical Note

Adopted effective January 1, 1987 (Supp. 86-6). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-209. Notices of Public Hearings, Public Workshops, or Other Meetings

A. If an agency schedules a public hearing, public workshop, or other meeting on a proposed rulemaking or a public hearing on a proposed delegation agreement after the Notice of Proposed Rulemaking or Notice of Proposed Delegation Agreement has been submitted to the Office for publication in the Register, the agency shall send to the Office one original and three copies of a notice of public hearing on proposed rules or a notice of public hearing on proposed delegation agreement, whichever is appropriate.

B. A notice of public hearing on proposed rules, a public workshop, or other meeting on proposed rules, a public meeting on rules after the notice of docket opening has been published but before the rules are published as proposed rules in the Register, a notice of public hearing on a proposed delegation agreement, or a notice of public hearing on a proposed rule, ordinance, or other regulation pursuant to A.R.S. § 49-112 shall be as specified below:

1. For a hearing on a proposed rulemaking, the heading NOTICE OF PUBLIC HEARING ON PROPOSED RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page and followed by the items listed below;
 - a. The name of the agency;
 - b. The Title and its heading; the Chapter and its heading; the Subchapter and its heading, if applicable; the Article and its heading; and the Part and its heading, if applicable;

- c. The Sections being proposed in numerical order in one column with the specific action being taken on each Section in the second column;
- d. The Register citation to the original notice and any supplemental notices published in the Register;
- e. The date, time, and location of the public hearings;
- f. The name, address, and telephone number of agency personnel to whom questions and comments on the rules may be addressed.

2. For a public workshop on a proposed rulemaking, the heading NOTICE OF PUBLIC WORKSHOP ON PROPOSED RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page and followed by the items listed below;

- a. The name of the agency;
- b. The Title and its heading; the Chapter and its heading; the Subchapter and its heading, if applicable; the Article and its heading; and the Part and its heading, if applicable;
- c. The Sections being proposed in numerical order in one column with the specific action being taken on each Section in the second column;
- d. The Register citation and the date of the original notice and any supplemental notices published in the Register;
- e. The date, time, and location of the public workshops;
- f. The name, address, and telephone number of agency personnel to whom questions and comments on the rules may be addressed.

3. For a public meeting on an open rulemaking docket, the heading NOTICE OF PUBLIC MEETING ON OPEN RULEMAKING DOCKET in all capital letters, centered on a line approximately one inch from the top of the page and followed by the items listed below;

- a. The name of the agency;
- b. The Title and its heading; the Chapter and its heading; the Subchapter and its heading, if applicable; the Article and its heading; and the Part and its heading, if applicable; if each of these items are known;
- c. The Sections being proposed in numerical order in one column with the specific action being taken on each Section in the second column, if known;
- d. The Register citation and the date of the notice of docket opening and all supplemental notices published in the Register;
- e. The date, time, and location of the public meeting;
- f. The name, address, and telephone number of agency personnel to whom questions and comments on the rules may be addressed.

4. For a public hearing on a proposed delegation agreement, the heading NOTICE OF PUBLIC HEARING ON PROPOSED DELEGATION AGREEMENT in all capital letters, centered on a line approximately one inch from the top of the page and followed by the items listed below;

- a. The name of the agency proposing the delegation agreement;
- b. The name of the political subdivision to which the agency is proposing to delegate functions, powers, or duties;
- c. A summary of the proposed delegation agreement;
- d. The Register citation and date of the notice of proposed delegation agreement and all supplemental notices published in the Register;
- e. The date, time, and location of the public hearing;

- f. The name, address, and telephone number of agency personnel to whom questions and comments on the rules may be addressed.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-210. Notices of Agency Guidance Documents and Substantive Policy Statements

An agency shall submit to the Office a notice of guidance documents/substantive policy statements, pursuant to A.R.S. § 41-1013(B)(14) for publication in the Register. This notice shall contain the heading NOTICE OF AGENCY GUIDANCE DOCUMENTS, or the heading NOTICE OF AGENCY SUBSTANTIVE POLICY STATEMENTS, in all capital letters, centered on a line approximately one inch from the top of the page; followed by the name of the agency one double-space below the notice heading and also centered on the line; followed by the items listed below in the same numbered order;

1. Title of the guidance document or subject of the substantive policy statement and the guidance document number or substantive policy statement number by which the document or policy statement is referenced;
2. Date of the publication of the guidance document or date the substantive policy statement was issued and the effective date of the document or policy statement if different from the publication or issuance date;
3. Summary of the contents of the guidance document or the substantive policy statement;
4. A statement as to whether the guidance document or substantive policy statement is a new document or statement or a revision;
5. The name, address, and telephone number of the person to whom questions and comments about the guidance document or substantive policy statement may be directed;
6. Information about where a person may obtain a copy of the guidance document or the substantive policy statement and the costs for obtaining the document or policy statement.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-211. Summary of Council Action

The Council shall submit to the Office for Register publication a summary of Council action on each adopted or summary rule. Rules of one Chapter, one Subchapter (if applicable), or one Article if the Article has Parts, grouped together into one rulemaking package, may be summarized together so long as the specific Sections affected are listed.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-212. Agency Ombudsman

An agency designating an ombudsman pursuant to A.R.S. § 41-1006 shall submit the name of their ombudsman annually no later than February 1st of each year to the Office for publication in the Register. The notice shall contain the heading NOTICE OF AGENCY OMBUDSMAN in all capital letters, centered on a line approximately one inch from the top of the page followed by the following items in the same numbered order:

1. The agency's name,
2. The ombudsman's name,
3. The ombudsman's title,

4. The ombudsman's office address including zip code,
5. The ombudsman's office telephone number and facsimile number, if available.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

ARTICLE 3. ARIZONA ADMINISTRATIVE CODE**R1-1-301. Development of the Code**

- A. The Office may establish new Titles in the Code and rearrange existing Titles and Chapters to assure orderly development of the Code. The Office shall notify each agency whose rules are affected by any rearrangement.
- B. The first volume of the Code shall contain a Table of Contents for the multi-volume Code, a Table of Titles and Chapter Headings, the Administrative Procedure Act, and other material to assist agencies in developing their rules and to assist the public in locating rules. A Title Table of Contents listing the Chapters, Subchapters, Articles, and Parts appearing in that Title shall appear at the beginning of each Title.

Historical Note

Adopted effective January 1, 1987 (Supp. 86-6). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-302. Publication of the Code and its Supplements

- A. The Office shall publish the Code in loose-leaf form as specified in the Act.
- B. The Code shall be updated by quarterly supplements containing all final, summary, emergency, and exempt rules filed in the Office during each calendar quarter.
- C. Supplements shall be dated with the last day of the calendar quarter. Supplements shall be numbered according to the calendar year of publication and the number of the quarter.
- D. Supplements shall be printed in complete Chapters.
- E. Each time the Office publishes a supplement to the Code, the Office shall issue a new price list showing all Chapters in the Code in numerical order and indicating the last supplement in which each Chapter was printed along with the price for each Chapter.
- F. Persons may purchase individual Chapters or Titles of the Code or they may subscribe to the full set. If they subscribe to the full set, they shall first purchase the entire set and then pay the annual subscription fee.

Historical Note

Adopted effective January 1, 1987 (Supp. 86-6). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-303. Repealed**Historical Note**

Adopted effective January 1, 1987 (Supp. 86-6). Section repealed effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-304. Repealed**Historical Note**

Adopted effective January 1, 1987 (Supp. 86-6). Amended subsections (A), (B) and (C) effective July 13, 1988 (Supp. 88-3). Section repealed effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-305. Repealed**Historical Note**

Adopted effective January 1, 1987 (Supp. 86-6). Section repealed effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-306. Repealed**Historical Note**

Adopted effective January 1, 1987 (Supp. 86-6). Section repealed effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-307. Repealed**Historical Note**

Adopted effective January 1, 1987 (Supp. 86-6). Section repealed effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-308. Repealed**Historical Note**

Adopted effective January 1, 1987 (Supp. 86-6). Section repealed effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

ARTICLE 4. RULE DRAFTING**R1-1-401. Drafting Rules**

Each agency preparing a rulemaking package for filing or publication shall draft it in accordance with this Chapter.

Historical Note

Adopted effective January 1, 1987 (Supp. 86-6). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-402. Assignment of Titles, Chapters, Articles, and Sections; Headings

- A. The subject matter of the Code shall be arranged and classified according to a system of Titles. The Titles shall be divided into Chapters. A Chapter containing rules of one major program or subject shall also specify the program or subject. The Chapters shall be divided into Articles. Articles that cover several subjects or regulate different groups of people shall be divided into several Articles. Articles shall be divided into Sections. Some Chapters may also contain a Subchapter or a Part or both. An agency shall request and receive approval from the Office for Subchapter and Part divisions before using these divisions.
- B. All Titles, Chapters, Subchapters (if applicable), Articles, Parts (if applicable), and Sections shall have a heading which describes the subject of that division of the Code. Headings shall not contain the words "Rule" or "Regulation".

Historical Note

Adopted effective January 1, 1987 (Supp. 86-6). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-403. Numbering System

- A. Each Section shall be preceded by the letter "R".
- B. A hyphenated numbering system shall be used in the Code.
 1. A Section number shall include the "R", the Title number, the Chapter number, the Subchapter label (if applicable), and the Section number indicating the Article number and the Part label (if applicable).
 2. The one or two numbers to the far left shall indicate the number of the Title in which the Section appears.

3. The one or two numbers between the two hyphens shall indicate the Chapter number. If the Chapter has been assigned a Subchapter, the Subchapter letter label shall appear immediately after the Chapter number before the hyphen.
 4. The numbers to the far right shall indicate the Section number. A Section number shall have at least three digits. The last two digits shall indicate the Section and the number or numbers to the left of these two digits shall indicate the Article number. If an Article has been assigned a Part, the Part's letter label shall appear immediately after the second hyphen before the Section number.
- C. The first Section in each Article shall be numbered 101. Sections shall run consecutively through the Chapter except where space is left for future expansion. Any Section number not used when the rules are originally adopted is automatically reserved for future use. An agency shall specify "Reserved" for a Section when a Section falls before a Section with text; Sections that are reserved shall be shown also when the rules are published in the Code. Sections that have been renumbered or repealed so that no text remains shall be headed with the appropriate term; "Reserved" shall not be used for these Section headings.
 - D. Titles, Chapters, Articles, and Sections shall be designated by Arabic numbers; Subchapters and Parts shall be designated by capital letters.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-404. Renumbering Sections within a Chapter

- A. When an agency renumbers one or more Sections at the time the agency amends other existing rules:
 1. The table of contents for the rulemaking package shall show the old number with strike-outs and the new number with underlining.
 - a. If an agency is adopting a new Section at that number, the agency shall show the old heading with strike-outs and the new heading with underlining; or
 - b. If an agency renumbers another existing Section to that Section number, the agency shall show the new Section at the location of the old number with strike-outs through the old number and underlining under the new number; or
 - c. If an agency is not adopting new text or moving text to the location of a renumbered Section, the agency shall show the old Section heading with strike-outs and the term "Renumbered" added with underlining.
 2. The table of contents shall show Sections and Articles in the order that the rules are being adopted.
 3. The rules shall appear in numerical order as renumbered.
- B. If an agency is renumbering some rules but is making no other changes to the rules, the agency may either:
 1. Send a letter, signed by the agency head or designee, to the Office with instructions for the renumbering in which case the Office will make the changes and will publish both a notice in the Register and the renumbered rules in the next quarterly supplement to the Code; or
 2. Go through the regular rulemaking process to make the numbering change.
- C. Only entire Sections may be renumbered in this manner. If an agency splits an existing Section into two or more Sections, or moves a portion of one Section to another Section, or combines two or more Sections into one Section, the agency shall follow the regular rulemaking process to do the renumbering.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-405. Addition of New Sections Between Existing Sections

An agency shall request, in writing or orally, and receive the Office's permission before inserting a new Section between two existing, consecutively numbered Sections. The new Section shall be numbered using the Section number of the preceding existing Section, followed by a decimal point and a two-digit number and shall be in numerical order.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-406. Re-using Chapter, Subchapter, Article, Part, or Section Numbers

After an agency has filed a rule with the Office and the agency repeals or rennumbers the Chapter, Subchapter, Article, or Part in its entirety, the agency shall not use that Chapter, Subchapter, Article, or Part number or letter for one year if the subject matter totally changes. If an agency repeals or rennumbers a Section, the agency may re-use the Section number immediately.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-407. Authority Notes

If an agency wishes the specific authority for a Chapter, Subchapter, Article, or Part to appear in its rules as published in the Code, the agency shall include an authority note under which the rules in that Chapter, Subchapter, Article, or Part were adopted. This note shall appear immediately below the Chapter heading, the Subchapter heading, the Article heading, or the Part heading, as applicable, in the Chapter's table of contents and shall specify the statutes which the rules are implementing (the specific authority) and the statutes which authorize the agency to do rulemaking (the general authority). An agency's failure to include a statute or portion of a statute in the authority note shall not negate the agency's authority to promulgate the rule.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-408. Text of the Rules; Subsections

- A. Each agency shall double-space the text of each Section submitted for publication or filing. The divisions of the Chapter (Title, Chapter, Subchapter (if applicable), first Article, and first Part (if applicable)) and their labels and headings shall appear above the Section number and heading of the first Section in the rulemaking package. Each agency shall also double-space these divisions and their labels and headings and center them on each line.
- B. If a Section has only one paragraph, an agency shall leave that paragraph unlabeled.
- C. When a Section has an opening paragraph followed by labeled subsections, the Office shall treat the opening paragraph to be an implied subsection (A). An agency shall label and indent appropriately the subsections following the opening paragraph as second-level subsections.
- D. If a Section has two or more paragraphs at any level, an agency shall label the paragraphs as separate subsections. An agency shall label subsections as indicated below.
 1. First-level subsections are designated by a capital letter, i.e., A, B, or C.

2. Second-level subsections are designated by an Arabic numeral, i.e., 1, 2, or 3.
3. Third-level subsections are designated by a lower case letter, i.e., a, b, or c.
4. Fourth-level subsections are designated by a lower case Roman numeral, i.e., i, ii, or iii.

- E. Within the text of a subsection, an agency referring to the same subsection shall use the term "this subsection". An agency referring to a different subsection shall use the term "subsection" and the labels of all appropriate levels, each within its own set of parentheses. If an agency refers to a different Section, the agency shall specify the correct Section number along with all subsection labels.
- F. An agency shall not subdivide its rules into more than four levels of subsections unless the agency has obtained permission to do so from the Office.
- G. An agency need not label definitions in alphabetical order or other lists of items in some specific order although the agency shall indent the definitions or items in the list as if they were labeled at the appropriate level of subsection, unless the agency wishes to refer to the items more specifically.
- H. When dividing a Section into subsections, an agency shall not:
 1. Leave an unlabeled paragraph at any level after a labeled subsection at the same level;
 2. Use an A without a B; a 1 without a 2; an a without a b; or a i without a ii.
- I. When referring to one or more subsections within the text of a subsection, an agency shall enclose the label for each subsection in its own set of parentheses. When referring to second-, third-, and fourth-level subsections, an agency shall specify the labels of each preceding level of subsection. For example, a agency referring to a third-level subsection would state "subsection (A)(2)(c)"; an agency referring to a fourth-level subsection would state "subsection (B)(1)(d)(iii)".
- J. Numbered or lettered phrases within the text of a subsection are not allowed. These shall be labeled properly and indented at the appropriate level of subsection.
- K. An agency wishing to use special symbols, fonts, or formats within their rules shall contact the Office for permission to do so. The Office shall grant permission if the Office's computer software can produce the same symbols, fonts, or formats. The symbols may not appear in the text on computer disks prepared for sale by the Office.
- L. All acronyms, abbreviations, initialisms, and shortened forms not defined in the A.R.S. which an agency uses in the text of its rules shall be defined in a definitions Section at the beginning of the Chapter.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-409. Citations to the Code, Register, Statutes, and Incorporated-by-reference Materials

- A. Citations to the Register shall include the volume and page number and shall contain the short form "A.A.R." for the "Arizona Administrative Register".
- B. Citations to the Code shall include the Title, Chapter, Subchapter, Article, Part, and Section, as applicable, short form "A.A.C." for "Arizona Administrative Code".
- C. Citations to state laws:
 1. A citation to a law contained in a published edition of the Arizona Revised Statutes shall include the abbreviation "A.R.S." and either the specific Section number or the Title number, Chapter number, and Article number in that order.

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2. A citation to a law which has not yet been published in the Arizona Revised Statutes shall include the following:
 - a. If the reference is to a new Section of the statutes and the codified Section number is known, the citation shall include the Section number followed by the phrase "as added by Laws" and the year the law was passed along with the Chapter number as assigned by the Office and the specific Section of the new law.
 - b. If the reference is to an amendment of an existing Section of the Arizona Revised Statutes, the citation shall include the Section number followed by the phrase "as amended by Laws" and the year the law was passed along with the Chapter number as assigned by the Office and the specific Section of the new law which amended this Section of an existing law.
 - c. Citations to new laws that do not indicate a statutory citation shall include the word "Laws" and the year the law was enacted by the legislature and the Section number within that law.
 3. When an agency uses a statutory citation and also refers to that law by a commonly used heading, the agency shall enclose the commonly used heading within parentheses.
- D. Citations to federal laws and rules:**
1. Citations to the United States Code (U.S.C.) and the United States Code Annotated (U.S.C.A.) shall include the Title number first, followed by the appropriate abbreviation, followed by the Part number or the Section number. Neither the word "Part" or "Section" nor the Section symbol shall appear in the citation. Citations to laws not yet codified into the U.S.C. or the U.S.C.A. shall be referenced by the words "Public Law" or the abbreviation "P.L." and the number of the law.
 2. Citations to the Code of Federal Regulations (CFR) shall list the Title number first, followed by the appropriate abbreviation, followed by the Part number or the Section number. Neither the word "Part" or "Section" nor the Section symbol shall appear in the citation. Citations to the Federal Register (FR or Fed. Reg.) shall include the volume number first, followed by the abbreviation, followed by the page number. FR citations shall also include the date of the publication. Examples of federal statutory citations appear in the Style Manual.
- E. Citations to items incorporated by reference shall state the publication information (publisher name and address), date of publication, and a location where the item is available if different from the publisher.**

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-410. Standard Abbreviations

When drafting rules, an agency shall either write out in full or use the standard abbreviations below for any of the listed terms. If an agency uses one of these abbreviations but attaches a different meaning to it, the agency shall place this abbreviation in its definitions Section.

1. All two-letter abbreviations for the 50 states and the territories of the United States as designated by the United States Postal Service;
2. All chemical abbreviations for the elements;
3. The following terms:

Abbreviation Definition

A.C.	Alternating Current
a.m.	ante meridiem, morning

Ave.	Avenue
Bld.	Boulevard
Btu.	British thermal unit
C.	Centigrade, Celsius
M.D.T.	Mountain Daylight Time
M.S.T.	Mountain Standard Time
CFR	Code of Federal Regulations
Ch.	Chapter (statutory citation only)
cm.	centimeter
cu.	cubic
Dr.	Drive
Pl.	Place
E.	East
et seq.	and those that follow
F.	Fahrenheit
FR	Federal Register
ft.	foot, feet
ID.	Identification
A.A.C.	Arizona Administrative Code
A.A.R.	Arizona Administrative Register
A.R.S.	Arizona Revised Statutes
in.	inch
IRS	Internal Revenue Service
k.	kilogram
km.	kilometer
l.	liter
lb.	pound
Ln.	Lane
mg.	milligram
ml.	milliliter
mm.	millimeter
mph	miles per hour
Mt.	Mount
N.	North
n/a	not applicable, not available
oz.	ounce
p.	page
p.m.	post meridiem, afternoon
qt.	quart
Rd.	Road
S.	South
sq.	square
St.	Saint, Street
U.S.	United States
U.S.C.	United States Code
U.S.C.A.	United States Code Annotated
W.	West
yd.	yard

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-411. Automatic Repeal of Rules

- A.** An agency may provide for the automatic repeal of a Section by specifying in the text of that Section the date (including day, month, and year) of the automatic repeal. This automatic repeal shall only be used to repeal entire Sections.
- B.** An agency shall notify the Office when the automatic repeal date has passed so that the Office can ensure that the rules are deleted from the Code. Chapters from which automatically repealed rules have been deleted shall appear in the next quarterly supplement to the Code.

R1-1-412. Supplementary Material; Camera-ready Material

- A.** An agency including tabular materials, illustrations, diagrams, figures, and other supplementary material in a set of rules

which do not fit within the column margins of the published Code (3 3/8 inches by 9 1/4 inches) shall place them at the end of an Article and shall label them as Appendices, Exhibits, Illustrations, or Tables. An agency shall use supplementary materials to make the rule understandable by persons affected by the rule. An agency shall consider all supplementary materials included in a set of rules as part of the rules and shall refer to them within the text of one or more Sections. An agency shall list Appendices, Exhibits, Tables, and Illustrations in the table of contents for the Chapter.

- B. An agency shall number all Appendices, Exhibits, Illustrations, and Tables with either capital letters or Arabic numbers using a consistent numbering scheme. The specific term the agency uses (Appendix, Exhibit, Illustration, or Table) and its label shall appear in the text along with a heading in the same format that a Section number and heading appear at the beginning of a Section.
- C. All supplementary material appearing sideways on the page shall appear at the end of the Article.
- D. An agency shall submit only camera-ready supplementary material to the Office for publication or filing. Camera-ready means that the material must be clear and legible when text is reproduced at 9 point size or illustration are reproduced to fit within the one-inch margin requirements of an 8 1/2 inch by 11 inch sheet of paper. Material is camera-ready when it is clearly typed (or produced on word-processing or computer equipment) in solid black ink on one side of an 8 1/2 x 11 inch sheet of white paper (uncoded stock) with one-inch margins on all edges of the page. Dot-matrix type, photocopies, or facsimile copies are not camera-ready. Uncoded stock means paper (20-24 lb. weight) with no visible watermark when held up to the light. Bond paper with watermarks shall not be used.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-413. Statutory Language

Summary rules may contain statutory language *that repeats verbatim existing statutory authority granted to the agency*. Whenever an agency finds it necessary to repeat statutory language within the text of a rule, the statutory language shall appear in distinguishing type. Italics are reserved for statutory language. Whenever an agency does not have the capability for producing italic type, it shall use another form of distinguishing type, specifying to the Office in a letter accompanying the rules package the distinguishing type used. Underlining shall not be used as distinguishing type.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-414. Incorporation by Reference; Citation of Referenced Material

- A. Items that may be incorporated by reference within an agency's rules are specified in A.R.S. § 41-1028.
- B. Each agency shall keep in the agency's principal office one copy of any item incorporated by reference.
- C. Each agency shall file one copy of any item incorporated by reference in its rules when the agency files its final rules with the Office.
- D. Any item incorporated by reference shall be cited as specified in R1-1-410. Following the citation of incorporated by reference material in the text of the rules shall be a statement specifying that the incorporated material contains no later editions or amendments.
- E. Any item incorporated by reference and filed with an agency's final rules may be viewed in the Office. The Office shall not

photocopy any copyrighted material or federal code or regulation provisions incorporated by reference.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

ARTICLE 5. PROPOSED RULEMAKING

R1-1-501. Assignment of Chapters

An agency preparing to promulgate rules for the first time shall contact the Office for assignment of a Title and Chapter number within the codification system. An agency that already has at least one Chapter on file shall contact the Office when adding new Articles or when the agency needs a new Chapter assignment.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-502. Notice of Proposed Rulemaking

- A. Each proposed new Section, amendment or repeal of an existing Section, or renumbering of a Section when other changes are also being made, submitted for publication in the Register shall be part of a Notice of Proposed Rulemaking. The Notice of Proposed Rulemaking may consist of multiple pages. Questions, answers, and other information required to appear on the Notice of Proposed Rulemaking, and the Preamble which is part of this Notice, shall appear in the proper location on the Notice. No question on the notice may be answered "See attached". Supplemental pages shall not be used.
- B. The notice shall contain the heading NOTICE OF PROPOSED RULEMAKING in all capital letters, centered on a line approximately one inch from the top of the page; followed by the Title, its number and heading centered on the line one double-space under the notice heading; followed by the Subchapter, its label and heading (if applicable) centered on the line one double-space under the Title; followed by the Chapter, its number and heading centered on the line one double-space under the Title; followed by the word PREAMBLE in all capital letters, on a line one double-space under the Chapter; followed by the following items in the same numbered order:
 1. Sections Affected and the Rulemaking Action in two columns;
 - a. In the first column, each Section upon which rulemaking activity is being proposed shall appear in numerical order under the heading "Sections Affected". If an Article is also involved in the rulemaking because its the label or heading is being repealed, added, amended, or renumbered, the Article and its label shall appear in this list in its appropriate order immediately preceding the Sections contained in that Article. Sections and Articles shall not be grouped together in this column; each Section or Article shall appear individually. In cases where an existing Section is being repealed and new text is being adopted at that number or where the text of an existing Section is being renumbered and new text (either totally new language or text renumbered from another Section) is being placed at that number, the Section number could appear in the list three times with the appropriate individual actions appearing in the second column. Sections without text because they were previously reserved, repealed, or renumbered cannot be amended. Previously repealed Sections cannot be repealed again unless new text has subsequently been adopted at that number. Previously repealed, reserved, or renumbered

- Sections where no text appears shall not be renumbered;
- b. In the second column, the rulemaking activity occurring on each Section shall be specified directly across from and on the same line as the Section number under the heading "Rulemaking Action". In cases where an existing Section is being repealed and new text adopted at that number, the Section number will appear twice in the first column and each specific individual action will appear in the second column. Text of one Section shall be repealed or renumbered first before any other action can happen on that Section.
 2. The specific statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific);
 3. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
 4. An explanation of the rule, including the agency's reasons for initiating the rule;
 5. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state;
 6. The preliminary summary of the economic, small business, and consumer impact;
 7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement;
 8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule;
 9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules;
 10. Incorporations by reference and their location in the rules.
 11. The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble. An agency amending some but not all of the subsections in a Section may list those subsections not being amended by subsection label only and the words "No Change." Each level of subsection having no change shall be individually noted as such. Subsections shall not be grouped together.
 - a. The first item in the text shall be a table of contents for the Chapter showing the label and heading for each Article and each Section involved in the proposed rulemaking.
 - b. The full text of the Sections on which rulemaking is taking place shall begin on the next page after the table of contents. Articles and their headings shall appear in their proper place in the text even when the entire Article is not involved in this rulemaking package. The text shall appear as follows:
 - i. If the rulemaking package consists of all new rules, the text of the rules shall be properly labeled, in numerical order by Section number, and shall indicate Articles and Parts and their labels and headings. If the rulemaking consists entirely of new Sections with no proposed amendments to or repeals of existing rules, the text need not be underlined.
 - ii. If the rulemaking package consists of only repeals of existing complete Sections, the full text of the Sections being repealed shall appear in numerical order by Section number and shall indicate Articles and Parts including their labels and headings. If the only action being taken on the Sections in the proposed rule package is to repeal existing complete Sections and no other changes to any other rule in the package are being proposed, the old rules need not have strike-outs through the text.
 - iii. If the rulemaking package consists of amended Sections or a combination of amended Sections, new Sections, and repealed Sections, the full text of all Sections on which rulemaking action is occurring shall appear with underlining indicating new language and strike-outs indicating repealed language.
 - d. If an agency is changing an existing Section number, the agency shall show that Section number with strike-outs and the new rule number underlined immediately beside the old number. Renumbered rules shall appear in the text at the location of their new numbers. If the only action being taken on a Section is to renumber it, immediately under the Section number and its heading shall appear the words "No Change" to indicate that the text is not changing.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-503. Public Comment Period

The public comment period for proposed rules begins on the day the rules are published in the Register. An agency shall allow a minimum of 30 days for public comment after Register publication. After the end of the public comment period, an agency may hold public hearings (oral proceedings).

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-504. Public Hearings (Oral Proceedings) on Proposed Rulemaking

- A. An agency shall refer to the publication schedule of the Register when scheduling a public hearing (oral proceeding). The public hearing shall be held no earlier than 30 days after the notice of proposed rulemaking is published in the Register, pursuant to A.R.S. § 41-1023. Public hearings shown in the notice of proposed rulemaking preamble shall be included in the proposed rules portion of the Register. Public hearings on rulemaking packages not scheduled by the agency until after the proposed rulemaking package has been submitted to the Office shall be submitted as specified in R1-1-209(B)(1) and will appear in a different section of the Register.
- B. If a public hearing is not scheduled, and if an agency receives a written request for a public hearing from five or more persons, the agency shall file a notice of public hearing on proposed rules with the Office in accordance with the publication schedule in the Register, scheduling a public hearing to be held no earlier than 30 days after the notice of public hearing is published in the Register, pursuant to A.R.S. § 41-1023. The agency shall file with the Office one original and four copies

of the Notice of Public Hearing on Proposed Rulemaking. This notice shall be as stated in R1-1-209(B)(1).

- C. If a public hearing has commenced and the hearing officer publicly announces a time and place for a continuation of the public hearing at the time of the original public hearing, the agency need not submit a notice of public hearing to the Office for publication in the Register.

R1-1-505. Close of the Record

The close of the record for a proposed rulemaking package shall occur on the date the agency chooses as the last date it will accept public comments. An agency may not adopt a rule until the rule-making record is closed.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-506. Notice of Termination of Rulemaking

- A. To terminate a proposed rulemaking at any stage of the rule-making process before the final rules are filed with the Office, the agency shall file with the Office one original and four copies of the Notice of Termination of Rulemaking, each attached to a copy of the original Notice of Proposed Rulemaking. The Notice of Termination of Rulemaking shall contain the heading NOTICE OF TERMINATION OF RULEMAKING in all capital letters, centered on the line approximately one inch from the top of the page; followed by the Title, its number and heading, centered on a line one double-space below the notice heading; followed by the Chapter, its number and heading, centered on a line one double-space below the Title; and the following items in the same numerical order.
 1. The Register citation and the date of the Notice of Proposed Rulemaking.
 2. The Section numbers (and Article and Part numbers or labels) in numerical order in one column and the action that had been proposed in the second column.
- B. Both the original Notice of Proposed Rulemaking and the Notice of Termination of Rulemaking shall remain on file with the Office.
- C. A listing of the rules terminated shall be published in the Register. The full text of rules being terminated shall not appear in the Register.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

R1-1-507. Supplemental Notices

- A. If an agency determines that a proposed rule requires substantial change due either to internal review or public comments, the agency shall prepare a supplemental notice for publication in the Register.
- B. The supplemental notice shall contain the heading NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING in all capital letters, located one inch from the top of the page; followed by the Title, its number, and heading, one double-space under the notice heading; followed by the Chapter, its number, and heading; one double-space below the Title; followed by the Subchapter, its label and heading one double-space below the Chapter, if applicable; followed by the word PREAMBLE in all capital letters, one double-space below the Chapter or Subchapter, all of which shall be centered on their respective lines, followed by the items listed below in the same numbered order:
 1. Register citation and date for the original Notice of Proposed Rulemaking;
 2. The Sections Affected and the Rulemaking Action in two columns as specified in R1-1-502(B)(4)(a);

3. The specific statutory authority for the rulemaking including both the authorizing statute (general) and the statutes the rule is implementing (specific);
4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
5. An explanation of the rule, including the agency's reasons for initiating the rule;
6. An explanation of the substantial change which resulted in this supplemental notice;
7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision;
8. The preliminary summary of the economic, small business, and consumer impact;
9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement;
10. The time, place, and nature of the oral proceedings for the adoption, amendment, or repeal of the rule;
11. Any other matters prescribed by statute and applicable to the specific agency or to any specific rule or class of rules; and
12. Whether the rulemaking contains any incorporations by reference and their location in the text.
13. The full text of the changes shall begin on the page after the last page of the preamble.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

ARTICLE 6. FINAL RULEMAKING

R1-1-601. Preparation and Filing of a Final Rulemaking Package

- A. If an agency's rules are subject to review by Council, the agency shall submit its adopted rules to Council within 120 days after the close of the rulemaking record. After approval by Council, the agency shall submit its final rules to the Office for publication and filing. The final rulemaking package shall be as specified in subsection (D).
- B. If an agency's rules are exempt from the rulemaking process pursuant to A.R.S. § 41-1005, the agency shall submit its final rules to the Office within 120 days after the close of the record.
- C. If an agency's rules are exempt from Council review pursuant to A.R.S. § 41-1057, the agency shall submit its adopted rules to the Attorney General for approval within 120 days after the close of the record.
- D. If an agency adopts an emergency rule, the agency shall follow the procedures in Article 7.
- E. The Notice of Final Rulemaking shall contain the heading NOTICE OF FINAL RULEMAKING in all capital letters, approximately one inch from the top of the page followed by the Title, its number and heading appearing one double-space under the notice heading; followed by the Chapter, its number and heading centered on the line immediately below the Title, followed by the Subchapter, its label and heading one double-space below the Chapter, if applicable; followed by the term PREAMBLE in all capital letters, one double-space below the Chapter or Subchapter, whichever is applicable; followed by the items listed below in the same numbered order:
 1. Sections Affected and the Rulemaking Action in two columns as specified in R1-1-502(B)(4)(a);
 2. The specific statutory authority for the rulemaking including both the authorizing statute (general) and the statutes the rule is implementing (specific);

3. The effective date for the rules (if different from the date the rules are filed with the Office);
 4. A list of all previous notices appearing in the Register addressing the final rule;
 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
 6. An explanation of the rule, including the agency's reasons for initiating the rule;
 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state;
 8. The summary of the economic, small business, and consumer impact;
 9. A description of the changes between the proposed rules, including supplemental notices, and final rules;
 10. A summary of the principal comments and the agency response to them;
 11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules;
 12. Incorporations by reference and their location in the text;
 13. Whether the rule was previously adopted as an emergency rule and, if so, whether the text was changed between adoption as an emergency and the adoption of these final rules;
 14. The full text of the rules in the rulemaking package shall begin on the next page after the last item in the Preamble and contain the text as specified in R1-1-502(B)(11)(a), (b)(i), and (d).
However, if the rules are complete Sections being repealed only, the text shall not appear but the Section number and its heading shall appear with strike-outs through the heading only.
- F.** Each original final rulemaking package submitted to the Office for filing and publication shall include the following with the copies of the rulemaking package including copies of these same documents:
1. An agency certification as specified in R1-1-105(B);
 2. A certificate of approval of the rules by Council if the rules are subject to Council review.
 3. A certificate of approval from the Attorney General if the rules are subject to Attorney General review.
 4. A concise explanatory statement as required by A.R.S. § 41-1036.
- G.** An agency incorporating materials by reference shall include one copy of the material with each original final rulemaking package filed with the Office.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

ARTICLE 7. EMERGENCY RULEMAKING

R1-1-701. Preparation and Filing of an Emergency Rulemaking Package

- A.** When an agency determines that the proposed new Section, an amendment to a Section, or a repeal of an existing Section falls within the emergency provisions of A.R.S. § 41-1026, the agency shall prepare a Notice of Emergency Rulemaking which shall contain the heading NOTICE OF EMERGENCY RULEMAKING in all capital letters, centered on the line approximately one inch from the top of the page; followed by the Title, its number, and heading, centered on a line one double-space below the notice heading; followed by the Chapter, its number, and heading, centered on a line one double-space below the Title; followed by the Subchapter, its label and

heading, if applicable; followed by the term PREAMBLE in all capital letters centered on the line one double-space below the Chapter or Subchapter, whichever is applicable; followed by the items listed below in the same numbered order:

1. The list of Sections Affected and the Rulemaking Action in two columns, as specified in R1-1-502(B)(1)(a);
 2. The specific statutory authority for the rulemaking including both the authorizing statute (general) and the statutes the rule is implementing (specific);
 3. The effective date of the rules, if different from the date filed with the Office;
 4. Whether the rulemaking is a renewal of a previous emergency rulemaking and, if so, the Register citation to the previous notices of emergency rulemaking and the Register issue dates;
 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
 6. An explanation of the rule, including the agency's reasons for initiating the rule;
 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state;
 8. The economic, small business, and consumer impact summary;
 9. Any other matters prescribed by statute and applicable to the specific agency or to any specific rule or class of rules;
 10. Incorporations by reference and their location in the text;
 11. An explanation of the situation justifying the rule's adoption as an emergency rule;
 12. The date of the Attorney General's approval of the rule.
 13. The full text shall begin on the page after the last page of the preamble and contain the text as specified in R1-1-502(B)(11).
- B.** The agency shall submit the emergency rulemaking package to the Attorney General for approval, if the agency's rules are subject to Attorney General review. The package shall contain an agency certification as specified in R1-1-105(B) before filing the rules with the Office and two copies of a receipt form as specified in R1-1-106.
- C.** The Attorney General shall indicate his approval of the emergency rulemaking package by signing an approval form which shall be attached to the first page of the original of the notice and shall forward the original and two copies of the rules to the Office.
- D.** Emergency rules are effective from the date the rules are filed with the Office unless a later date is specified. Emergency rules are effective for 180 days and may be renewed for a maximum of two additional 180-day periods, pursuant to the provisions of A.R.S. § 41-1026.
- E.** If the text of a renewed emergency rule differs from the text of the previous emergency rule, the agency shall submit to the Office, at the time of filing the renewed emergency rule, a list of every change made to the latest emergency rule since the previous emergency rule was adopted.
- F.** Each renewal of an emergency rule shall be prepared in the manner prescribed in this Section.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

ARTICLE 8. SUMMARY RULEMAKING

R1-1-801. Summary Rulemaking

- A.** The summary rulemaking process may be used as specified in A.R.S. § 41-1027(A).

B. When submitting summary rules to the Office for filing and for publication in the Register, the agency shall prepare a Notice of Proposed Summary Rulemaking which shall include the heading **NOTICE OF PROPOSED SUMMARY RULEMAKING** in all capital letters, centered on a line approximately one inch from the top of the page; followed by the Title, its number and heading centered on the line and appearing one double-space under the notice heading; followed by the Chapter, its number, and heading centered one double-space below the Title followed by the Subchapter, its label and heading centered one double-space below the Chapter, if applicable; followed by the term **PREAMBLE** in all capital letters one double-space below the Chapter or Subchapter, whichever is applicable; followed by the items listed below in the same numbered order:

1. Sections Affected and the Rulemaking Action in two columns as specified in R1-1-502(B)(1)(a);
2. The specific statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific);
3. The interim effective date of the summary rules;
4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
5. An explanation of the rule, including the agency's reasons for initiating the rule;
6. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state;
7. The preliminary summary of the economic, small business, and consumer impact;
8. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement;
9. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rules;
10. An explanation of why summary proceedings are justified;
11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules;
12. Any incorporations by reference and their location in the text.
13. The full text shall begin on the page after the last page of the Preamble and contain the text as specified in R1-1-502(B)(11).

C. Within 90 days after publication in the Register and after consideration of any comments, the agency shall submit to the Council its adopted summary rule, along with the preamble, concise explanatory statement, and economic, small business, and consumer impact statement.

D. After submitting the summary rule to the Council as specified in subsection (C), the agency shall submit to the Office a Notice of Adopted Summary Rulemaking which includes the heading **NOTICE OF ADOPTED SUMMARY RULEMAKING** in all capital letters, centered on a line approximately one inch from the top of the page; followed by the Title, its number and heading centered one double-space under the notice heading; followed by the Chapter, its number, and heading centered one double-space below the Title followed by the Subchapter, its label and heading, if applicable; followed by the term **PREAMBLE** in all capital letters, centered one double-space below the Chapter or Subchapter, whichever is applicable; followed by the items listed below in the same numbered order:

1. Sections Affected and the Rulemaking Action in two columns as specified in R1-1-502(B)(4)(a);
2. The specific statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific);
3. The effective date of the summary rules;
4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking;
5. The concise explanatory statement, including an explanation of the rule and the agency's reasons for initiating the rule;
6. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state;
7. The economic, small business, and consumer impact;
8. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement;
9. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rules;
10. An explanation of why summary proceedings are justified;
11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules;
12. Any incorporations by reference and their location in the text.
13. The full text shall begin on the page after the last page of the Preamble and contain the text as specified in R1-1-502(B)(11).

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

ARTICLE 9. EXEMPT RULEMAKING

R1-1-901. Exempt Rulemaking

- A.** Any exempt rule initiated by an agency before September 30, 1992, is not filed with the Office and is not contained in the Code. Any person wishing a copy of these exempt rules shall contact the specific agency involved for copies of any rules adopted under an exemption before this date.
- B.** Any exempt rule initiated after September 30, 1992, shall be published in the Code if the agency involved submits the rulemaking package to the Office. These rulemaking packages shall be submitted as final rules, following the procedures outlined in Article 6, using the notice heading **NOTICE OF EXEMPT RULEMAKING** in all capital letters.
- C.** The Office shall identify each Chapter containing rules which were exempted from the Act and which were initiated after September 30, 1992, by an introductory statement specifying the exemption at the beginning of the Chapter and before each Section or Article adopted under an exemption and by specifying the exemption in the Section's historical note. When publishing the Code, the Office shall print any filed Chapter containing a rule exempted by any Arizona statute on blue paper and any filed Chapter containing a rule exempted by other reasons on green paper. The reason for the exemption shall be stated on the notice.

Historical Note

Adopted effective January 1, 1995; filed in the Office of the Secretary of State December 30, 1994 (Supp. 94-4).

Repealed**TITLE 1. RULES AND THE RULEMAKING PROCESS****CHAPTER 2. REPEALED**

Chapter 2 consisting of Article 1, Sections R1-2-101 through R1-2-108; Article 2, Sections R1-2-201 through R1-2-215; Article 3, Section R1-2-301 repealed effective January 1, 1995.

Chapter 2 consisting of Article 1, Sections R1-2-101 through R1-2-108; Article 2, Sections R1-2-201 through R1-2-215; Article 3, Section R1-2-301 adopted effective January 1, 1987.

Former Chapter 2 consisting of Article 1, Sections R1-2-101 through R1-2-107; Article 2, Sections R1-2-201 through R1-2-208, R1-2-208.01, R1-2-209 through R1-2-211; Article 3, Sections R1-2-301 through R1-2-306 repealed effective January 1, 1987.

Repealed

TITLE 1. RULES AND THE RULEMAKING PROCESS
CHAPTER 6. GOVERNOR'S REGULATORY REVIEW COUNCIL

(Authority: A.R.S. § 41-1051)

ARTICLE 1. RULES OF PROCEDURE

Article 1, consisting of Sections R1-6-101 thru R1-6-106 and R1-6-108, adopted effective May 25, 1995 (Supp. 95-2).

Article 1, consisting of Sections R1-6-102 thru R1-6-109, repealed effective May 25, 1995 (Supp. 95-2).

Article 1 consisting of Sections R1-6-102 through R1-6-109 adopted effective December 16, 1987.

Section

R1-6-101.	Meetings
R1-6-102.	Schedule and Filing Deadlines
R1-6-103.	Submission of Rules
R1-6-104.	Rules Approved by the Council
R1-6-105.	Returned Rules
R1-6-106.	Appearance by Agency
R1-6-107.	Oral and Written Comments
R1-6-108.	5-Year-Review Reports
R1-6-109.	Repealed

ARTICLE 2. DELEGATION AGREEMENTS

Article 2, consisting of Section R1-6-201, adopted effective May 25, 1995 (Supp. 95-2).

Article 2, consisting of Sections R1-6-202 thru R1-6-206, repealed effective May 25, 1995 (Supp. 95-2).

Article 2, consisting of Section R1-6-201, adopted effective May 25, 1995 (Supp. 95-2).

Article 2, consisting of Sections R1-6-202 through R1-6-206, repealed effective May 25, 1995 (Supp. 95-2).

Article 2 consisting of Sections R1-6-202 through R1-6-206 adopted effective March 16, 1988.

Section

R1-6-201.	Appeals of Delegation Agreements
R1-6-202.	Repealed
R1-6-203.	Repealed
R1-6-204.	Repealed
R1-6-205.	Repealed
R1-6-206.	Repealed

ARTICLE 3. AGENCY PRACTICE OR SUBSTANTIVE POLICY STATEMENTS

Article 3, consisting of Section R1-6-301, adopted effective April 3, 1996 (Supp. 96-2).

R1-6-301. Appeals of Existing Agency Practices or Substantive Policy Statements

ARTICLE 4. APPEALS OF ECONOMIC, SMALL BUSINESS, AND CONSUMER IMPACT STATEMENTS

Article 4, consisting of Section R1-6-401, adopted effective April 3, 1996 (Supp. 96-2).

R1-6-401. Appeals of Economic, Small Business, and Consumer Impact Statements

ARTICLE 1. RULES OF PROCEDURE

R1-6-101. Meetings

A. The Chair, in consultation with the Council, shall set regular meeting dates of the Council for each calendar year by the preceding October 31. Notice of a regular meeting shall be posted according to the Open Meeting Law, A.R.S. § 38-431, et. seq.

- B.** The Council may schedule a special meeting to consider rules resubmitted to the Council; appeals of delegation agreements; appeals of economic, small business, and consumer impact statements, appeals of substantive policy statements; or for other matters. Notice of a special meeting shall be posted according to the Open Meeting Law, A.R.S. § 38-431, et. seq., at least 48 hours before a special meeting.
- C.** The Council may recess a regular meeting to a later date if, before recessing, the Chair gives notice of the date and time of the resumption of the meeting and posts a notice of resumption of the meeting according to the Open Meeting Law.

Historical Note

Adopted effective May 25, 1995 (Supp. 95-2). Amended effective April 3, 1996 (Supp. 96-2).

R1-6-102. Schedule and Filing Deadlines

The Council shall establish for each calendar year, by the preceding October 31, a schedule containing filing deadlines, publication dates, and meeting dates for Council review of:

1. Rules submitted to the Council including new, amended, or repealed rules;
2. Resubmissions of rules pursuant to R1-6-105(1); and
3. 5-year-review reports.

Historical Note

Adopted effective December 16, 1987 (Supp. 87-4). Section repealed, new Section adopted effective May 25, 1995 (Supp. 95-2). Amended effective April 3, 1996 (Supp. 96-2).

R1-6-103. Submission of Rules

A. For each adopted regular rule submission, an agency shall deliver to the Council office the following documents formatted as required by the rules of the Secretary of State:

1. 11 rule packages that contain the following documents assembled in the following order:
 - a. Cover letter signed by the agency head specifying:
 - i. The close of the record date and the date the rules were adopted by the agency;
 - ii. The dates the following were published in the *Register*:
 - (1) Notice of Docket Opening, as required by A.R.S. § 41-1021(C);
 - (2) Notice of Proposed Rulemaking, as required by A.R.S. § 41-1022;
 - (3) Any supplemental notices, as required by A.R.S. § 41-1022(D);
 - (4) Notice of Oral Proceeding, as required by A.R.S. § 41-1023(D); and
 - (5) Any other notice of public participation (See A.R.S. § 41-1023);
 - iii. A statement of whether definitions of terms contained in statutes or other rules and used in the adopted rule have been attached;
 - iv. If applicable, a statement that the rulemaking relates to a 5-year-review report and the date the report was accepted by the Council; and
 - v. A list of all documents enclosed;
 - b. Notice of Final Rulemaking, required by A.A.C. R1-1-601, including the preamble;
 - c. Table of contents for the adopted rule;
 - d. Text of the adopted rule;

- e. Economic, small business, and consumer impact statement that contains the information required by A.R.S. § 41-1055;
 - f. Concise explanatory statement that contains the information required by A.R.S. § 41-1036;
 - g. Copy of the existing rule if the existing rule is not shown as part of the revised text of a rule the agency is amending;
 - h. Copy of the general and specific statutes authorizing the rule; and
 - i. Copy of definitions of terms, contained in statutes or other rules, used in the adopted rule, if any.
2. 1 copy of each of the following:
- a. All written comments submitted by the public concerning the proposed rule; and
 - b. Materials incorporated by reference, if any.
- B.** For each adopted regular rule approved by the Council, an agency shall deliver to the Council office within 14 calendar days after Council action, unless otherwise authorized by the Council the following documents formatted as required by the rules of the Secretary of State:
- 1. A letter identifying each change made at the direction of the Council;
 - 2. 1 original and 5 copies of the following documents assembled in the following order:
 - a. Agency certificate, required by A.A.C. R1-1-105(B);
 - b. Text of the adopted rule containing the changes required by the Council, if any; and
 - c. Items listed in subsections (A)(1)(b), (A)(1)(c), (A)(1)(e), and (A)(1)(f).
 - 3. 1 original and 1 copy of the receipt required by A.A.C. R1-1-106.
- C.** For each summary rule, an agency shall deliver to the Council office the following documents formatted as required by the rules of the Secretary of State:
- 1. For a proposed summary rule, 1 copy of the following documents assembled in the following order:
 - a. Notice of Proposed Summary Rulemaking, including the preamble, filed with the Office of the Secretary of State, required by A.R.S. § 41-1027(B);
 - b. Table of contents for the proposed summary rule;
 - c. Text of the proposed summary rule; and
 - d. Statute that repeals or supersedes the authority under which the original rule was enacted or the statute that is repeated verbatim in the original rule or proposed summary rule.
 - 2. For an adopted summary rule:
 - a. 11 rule packages that contain the following documents assembled in the following order:
 - i. Notice of Summary Rulemaking, required by A.A.C. R1-1-801, including the preamble;
 - ii. Table of contents for the adopted summary rule;
 - iii. Text of the adopted summary rule;
 - iv. Economic, small business, and consumer impact statement that contains the information required by A.R.S. § 41-1055; and
 - v. Concise explanatory statement that contains the information required by A.R.S. § 41-1036; and
 - b. 1 copy of all written comments submitted by the public concerning the rule.
- D.** For each adopted summary rule approved by the Council, an agency shall deliver to the Council office within 14 calendar days after Council action, unless otherwise authorized by the

Council the following documents formatted as required by the rules of the Secretary of State:

- 1. A letter identifying each change made at the direction of the Council;
 - 2. 1 original and 5 copies of the following documents assembled in the following order:
 - a. Agency certificate, required by A.A.C. R1-1-105(B);
 - b. Text of the adopted summary rule containing the changes required by the Council, if any; and
 - c. Items listed in subsections (C)(2)(a)(i), (C)(2)(a)(ii), (C)(2)(a)(iv), and (C)(2)(a)(v).
 - 3. 1 original and 1 copy of the receipt required by A.A.C. R1-1-106.
- E.** The documents shall be formatted to conform to the requirements of the Office of the Secretary of State as contained in A.A.C. Title 1, Chapter 1.

Historical Note

Adopted effective December 16, 1987 (Supp. 87-4). Section repealed, new Section adopted effective May 25, 1995 (Supp. 95-2). Amended effective April 3, 1996 (Supp. 96-2).

R1-6-104. Rules Approved by the Council

- A.** When the Council approves an agency's rules as submitted, the Council shall file the original and 4 copies of the agency certificate; rule; preamble; concise explanatory statement; economic, small business, and consumer impact statement; 2 copies of the agency receipt; and 1 copy of materials incorporated by reference with the Office of the Secretary of State. The Council shall include a written notice signed by the Chair specifying the Sections approved and the date of Council approval.
- B.** The Council may vote to approve an adopted rule, preamble, or economic, small business, and consumer impact statement after providing the agency with the exact words of each change to be made.
- 1. The Chair shall verify that each change required by the Council was made and file the original and 4 copies of the agency certificate; rule; preamble; concise explanatory statement; and economic, small business, and consumer impact statement; 2 copies of the agency receipt; and 1 copy of materials incorporated by reference with the Office of the Secretary of State. The Council shall include a written notice signed by the Chair specifying the Sections approved and the date of Council approval.
 - 2. If an agency fails to submit the revised rule, preamble, or economic, small business, and consumer impact statement within the scheduled time or submits a revised rule, preamble, or economic, small business, and consumer impact statement that does not contain the exact words approved by the Council, the Chair shall notify the agency and schedule the matter for reconsideration by the Council.
- C.** Except as specified in subsection (B), an agency shall not make any change to a rule, preamble, concise explanatory statement, economic, small business, and consumer impact statement, or materials incorporated by reference after they have been approved by the Council.

Historical Note

Adopted effective December 16, 1987 (Supp. 87-4). Section repealed, new Section adopted effective May 25, 1995 (Supp. 95-2). Amended effective April 3, 1996 (Supp. 96-2).

R1-6-105. Returned Rules

The Council may vote to return a rule, preamble, or economic, small business, and consumer impact statement, pursuant to A.R.S. § 41-1052(B), after identifying issues for further consideration by the agency.

1. The Council may schedule a date for resubmission in consultation with the agency representative.
2. An agency resubmitting a rule, preamble, or economic, small business, and consumer impact statement to the Council shall respond in writing to each issue raised by the Council at a Council meeting. The agency shall identify all changes made to the rule, preamble, or economic, small business, and consumer impact statement, explain why a change suggested by the Council was not made, and show that the adopted rule is not substantially different from the proposed rules as set forth in A.R.S. § 41-1025.
3. The Council may request that an agency representative return to a Council meeting to explain any change in the rule, economic, small business, and consumer impact statement, concise explanatory statement, or preamble.
4. If an agency does not submit a rule, preamble, or economic, small business, and consumer impact statement by the scheduled resubmission date, the Chair shall notify the Council and head of the agency and schedule the rule, preamble, or economic, small business, and consumer impact statement for reconsideration by the Council.

Historical Note

Adopted effective December 16, 1987 (Supp. 87-4). Section repealed, new Section adopted effective May 25, 1995 (Supp. 95-2). Amended effective April 3, 1996 (Supp. 96-2).

R1-6-106. Appearance by Agency

- A. A representative of an agency submitting an adopted rule shall appear at the Council meeting at which the rule is to be considered to respond to questions and comments by the Council.
- B. If an agency representative fails to appear after submitting an adopted rule, the Council shall allow public comment and may:
 1. Approve the rule;
 2. Reschedule consideration of the adopted rule at another Council meeting; or
 3. Return the rule to the agency.

Historical Note

Adopted effective December 16, 1987 (Supp. 87-4). Section repealed, new Section adopted effective May 25, 1995 (Supp. 95-2).

R1-6-107. Oral and Written Comments

- A. A person may submit written comments, pursuant to A.R.S. § 41-1052(E), by sending 1 original and 9 copies of the written comments to the Council office and 1 copy to the affected agency head. Written comments shall be received in the Council office and the office of the agency head at least 6 calendar days before the regular Council meeting at which the rule is scheduled on the agenda.
- B. A person making oral comments at a Council meeting shall submit 1 original and 9 copies of visual aids, if used, to the Council office and 1 copy to the affected agency head. A person making oral comments shall submit visual aids to the Council office and the office of the agency head at least 6 calendar days before the regular Council meeting at which the rule is scheduled on the agenda.
- C. All written and oral comments shall relate to a rule scheduled on the Council meeting agenda, cite the particular provision of

A.R.S. § 41-1052(C) that is the basis for the Council's authority to consider each issue addressed, and state specifically how the issue relates to that statutory criterion for Council action. The Chair may limit the time allotted to each speaker and preclude repetitious comments.

- D. The Chair may permit a person to submit written comments within the scope of A.R.S. § 41-1052(C) or visual aids if the person establishes good cause for not complying with the document and time requirements in subsection (A) or (B).

Historical Note

Adopted effective December 16, 1987 (Supp. 87-4). Repealed effective May 25, 1995 (Supp. 95-2). New Section adopted effective April 3, 1996 (Supp. 96-2).

R1-6-108. 5-Year-Review Reports

- A. An agency shall deliver to the Council office 1 original and 10 copies of a 5-year-review report required by A.R.S. § 41-1056. Except as indicated in subsection (B), the 5-year-review report shall separately discuss and present the following information in the following order for each rule:
 1. General and specific statutes authorizing the rule;
 2. Objective of the rule;
 3. Effectiveness of the rule in achieving that objective;
 4. Consistency of the rule with state and federal statutes and rules, and a listing of the statutes or rules used in determining the consistency;
 5. Agency enforcement policy, including whether the rule is currently being enforced and, if so, whether there are any problems with enforcement;
 6. Agency views regarding current wisdom of the rule;
 7. Clarity, conciseness, and understandability of the rule;
 8. Summary of the written criticisms of the rule received by the agency within the 5 years immediately preceding the 5-year-review report, including letters, memoranda, and written allegations made in litigation and administrative proceedings in which the agency was a party that the rule is discriminatory, unfair, unclear, inconsistent with statute, or beyond the authority of the agency to enact, and the conclusion of the litigation and administrative proceedings;
 9. Estimated economic, small business, and consumer impact of the rule as compared to the economic, small business, and consumer impact statement prepared on the last adoption of the rule; and
 10. Course of action the agency proposes to take regarding each rule, including the month and year in which the agency anticipates opening a rulemaking docket and submitting the rules to the Council if the agency determines it is necessary to amend, repeal, or adopt a rule.
- B. When the information regarding any of the items listed in subsection (A) is identical for any group of rules, the agency shall discuss that information in its 5-year-review report only once for the group of rules.
- C. The 5-year-review report shall have attached the following:
 1. Copy of the rules being reviewed, and
 2. Copy of the general and specific authorizing statutes.

Historical Note

Adopted effective December 16, 1987 (Supp. 87-4). Section repealed, new Section adopted effective May 25, 1995 (Supp. 95-2). Amended effective April 3, 1996 (Supp. 96-2).

R1-6-109. Repealed**Historical Note**

Adopted effective December 16, 1987 (Supp. 87-4). Repealed effective May 25, 1995 (Supp. 95-2).

ARTICLE 2. DELEGATION AGREEMENTS**R1-6-201. Appeals of Delegation Agreements**

- A.** When appealing an agency's decision to enter into a delegation agreement pursuant to A.R.S. § 41-1081(F), a person appealing the agency's decision shall deliver to the Council office one original and eight copies of a written request signed by the person submitting the appeal and the following:
1. All written objections to the delegation agreement submitted by the person filing the appeal to the delegating agency;
 2. The name and address of each agency and each political subdivision entering into the delegation agreement;
 3. The name, address, and facsimile and telephone numbers of the person filing the appeal;
 4. The name of the entity or person being represented by the person filing the appeal;
 5. The subject matter of the delegation agreement; and
 6. The reasons why the person is objecting to the delegation agreement and filing the appeal.
- B.** An agency whose delegation agreement is being appealed shall deliver to the Council office one original and eight copies of the following:
1. A memorandum that sets forth the date the delegating agency gave written notice of the decision to enter into the delegation agreement and the dates of all public proceedings regarding the delegation agreement;
 2. The name, address, and facsimile and telephone numbers of each agency and each political subdivision contact person;
 3. The delegation agreement; and
 4. A written summary prepared by the agency, responding to any oral or written comments received by the agency regarding the delegation agreement.
- C.** The Council shall notify the delegating agency of an appeal of a delegation agreement by 5:00 p.m. of the business day following Council notification of the appeal. The agency shall deliver to the Council office the information and documents set forth in subsection (B) no later than 5:00 p.m. on the third business day following notification of the appeal by the Council.
- D.** Within 14 calendar days after an appeal is filed with the Council, the Chair shall send written notice to the person filing the appeal and the delegating agency stating whether three Council members have requested that the appeal be considered at a Council meeting. If an appeal is to be considered at a Council meeting, the notice shall include the date and time of the Council meeting.
- E.** When the Council approves or disapproves a delegation agreement that has been appealed, the Chair shall send a written letter to the delegating agency and person filing the appeal that specifies the reasons for the approval or disapproval and the date of Council action.

Historical Note

Adopted effective May 25, 1995 (Supp. 95-2).

R1-6-202. Repealed**Historical Note**

Adopted effective March 16, 1988 (Supp. 88-1).
Repealed effective May 25, 1995 (Supp. 95-2).

R1-6-203. Repealed**Historical Note**

Adopted effective March 16, 1988 (Supp. 88-1).
Repealed effective May 25, 1995 (Supp. 95-2).

R1-6-204. Repealed**Historical Note**

Adopted effective March 16, 1988 (Supp. 88-1).
Repealed effective May 25, 1995 (Supp. 95-2).

R1-6-205. Repealed**Historical Note**

Adopted effective March 16, 1988 (Supp. 88-1).
Repealed effective May 25, 1995 (Supp. 95-2).

R1-6-206. Repealed**Historical Note**

Adopted effective March 16, 1988 (Supp. 88-1).
Repealed effective May 25, 1995 (Supp. 95-2).

ARTICLE 3. AGENCY PRACTICE OR SUBSTANTIVE POLICY STATEMENTS**R1-6-301. Appeals of Existing Agency Practices or Substantive Policy Statements**

- A.** A person appealing an agency's final decision regarding a petition for review of an existing agency practice or substantive policy statement filed pursuant to A.R.S. § 41-1033(B) shall deliver to the Council office 1 original and 9 copies of the following:
1. A written request signed by the person submitting the appeal that sets forth the following:
 - a. Name of the agency upon which the appeal is taken;
 - b. Name, address, and facsimile and telephone numbers of the person filing the appeal;
 - c. Name of the entity or person being represented by the person filing the appeal;
 - d. Subject matter of the existing agency practice or substantive policy statement being appealed; and
 - e. Reasons why the person appealing believes that the existing agency practice or substantive policy statement constitutes a rule; and
 2. The petition requesting a review of the agency's existing practice or substantive policy statement.
 3. The agency's written decision to each petition submitted to the agency requesting a review of the agency's existing practice or substantive policy statement being appealed.
- B.** The Council shall notify the affected agency head of an appeal of an existing agency practice or a substantive policy statement by 5 p.m. of the business day following Council receipt of the appeal. The agency shall deliver to the Council office the information and documents set forth in subsection (C) no later than 5 p.m. on the 3rd business day following notification by the Council of the appeal.
- C.** An agency whose final decision is being appealed shall deliver to the Council office 1 original and 9 copies of the following:
1. A memorandum that sets forth the following:
 - a. Date the agency gave written notice of its decision pursuant to A.R.S. § 41-1033(A);
 - b. Name, address, and facsimile and telephone numbers of each agency contact person; and
 - c. Reasons why the agency believes that the existing agency practice or substantive policy statement does not constitute a rule;
 2. The existing agency practice or substantive policy statement being appealed;
 3. Each petition filed with the agency requesting a review of the agency's existing practice or substantive policy statement being appealed; and
 4. The agency's written decision to each petition submitted to the agency requesting a review of the agency's existing practice or substantive policy statement being appealed.

- D. Within 14 calendar days after an appeal is filed with the Council, the Chair shall send written notice to the person filing the appeal and the affected agency head stating whether 3 Council members have requested that the appeal be considered at a Council meeting. If the appeal is to be considered at a Council meeting, the notice shall include the date and time of the Council meeting.
- E. Within 7 calendar days after the Council decides whether the agency practice or substantive policy statement constitutes a rule, the Chair shall send a letter to the affected agency and the person filing the appeal that specifies the decision and the reasons for and date of the Council decision.
- B. The Council shall notify the affected agency head of an appeal of a rule and its impact by 5 p.m. of the business day following Council receipt of the appeal. The agency shall deliver to the Council office the information and documents set forth in subsection (C) no later than 5 p.m. on the 3rd business day following notification by the Council of the appeal.
- C. An agency whose final decision is being appealed shall deliver to the Council office 1 original and 9 copies of the following:
 - 1. A memorandum that sets forth the following:
 - a. Date of the publication of the agency's final decision pursuant to A.R.S. § 41-1056.01(C);
 - b. Name, address, and facsimile and telephone numbers of each agency contact person;
 - c. If appropriate, reasons why the agency believes either that the actual economic, small business, and consumer impact did not significantly exceed the estimated economic, small business, and consumer impact or that the actual economic, small business, and consumer impact was estimated on adoption of the rule and that the impact does not impose a significant burden on persons subject to the rule, or both; and
 - d. Final judgments, if any, issued by a court of competent jurisdiction that are based on whether the contents of the adopted rule's economic, small business, and consumer impact statement were insufficient or inaccurate;
 - 2. The rule being appealed; and
 - 3. The agency's written summary of comments received about the rule and its impact, the agency's response to those comments, and the agency's final decision on whether to adopt, amend, or repeal the rule.

Historical Note

Adopted effective April 3, 1996 (Supp. 96-2).

ARTICLE 4. APPEALS OF ECONOMIC, SMALL BUSINESS, AND CONSUMER IMPACT STATEMENTS

R1-6-401. Appeals of Economic, Small Business, and Consumer Impact Statements

- A. A person appealing an agency's final decision on whether to initiate a rulemaking pursuant to A.R.S. § 41-1056.01(D), shall deliver to the Council office 1 original and 9 copies of the following:
 - 1. The written request signed by the person submitting the appeal, citing the rule or rules being appealed and setting forth the following:
 - a. Name of the agency upon which the appeal is taken;
 - b. Name, address, and facsimile and telephone numbers of the person filing the appeal;
 - c. Name of the entity or person being represented by the person filing the appeal;
 - d. Manner in which the person filing the appeal is or may be affected by the agency's final decision made pursuant to A.R.S. § 41-1056.01(C); and
 - e. Reasons why the person appealing believes either that the actual economic, small business, or consumer impact significantly exceeded the estimated impact pursuant to A.R.S. § 41-1056.01(A)(1), or that the actual economic, small business, or consumer impact was not estimated on adoption of the rule and that the impact imposes a significant burden on persons subject to the rule pursuant to A.R.S. § 41-1056.01(A)(2);
 - 2. The economic, small business, and consumer impact statement being addressed in the appeal; and
 - 3. The data used by the person appealing to support the reasons set forth under subsection (A)(1)(e).
- D. Within 14 calendar days after an appeal is filed with the Council, the Chair shall send written notice to the person filing the appeal and the affected agency head stating whether 3 Council members have requested that the appeal be considered at a Council meeting. If the appeal is to be considered at a Council meeting, the notice shall include the date and time of the Council meeting.
- E. Within 7 calendar days after the Council decides whether either or both of the provisions set forth in A.R.S. § 41-1056.01(A) are met, the Chair shall send a letter to the affected agency and the person filing the appeal that specifies the decision, the reasons for and date of the Council decision, and the action, if any, required by the agency.

Historical Note

Adopted effective April 3, 1996 (Supp. 96-2).

(agency)

TITLE 1. RULES AND THE RULEMAKING PROCESS

CHAPTER 4. RESERVED

This Chapter is reserved.

(agency)

TITLE 1. RULES AND THE RULEMAKING PROCESS

CHAPTER 5. RESERVED

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TITLE 1. RULES AND THE RULEMAKING PROCESS

CHAPTER 3. RESERVED

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